

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

<b>JANE DOE, on behalf of JOHN DOE, her</b>	:	
<b>minor child,</b>	:	<b>Hon. Joseph H. Rodriguez</b>
	:	
<b><i>Plaintiff,</i></b>	:	<b>1:21-cv-11189</b>
	:	
<b>v.</b>	:	
	:	
<b>MARTY SMALL, SR., in his official</b>	:	
<b>Capacity as Mayor of Atlantic City,</b>	:	
<b>New Jersey, and individually;</b>	:	
<b>LA'QUETTA SMALL-FRAZIER, in her</b>	:	
<b>official capacity as Former Principal</b>	:	
<b>of Pennsylvania Avenue School, and</b>	:	
<b>individually; BARRY CALDWELL, in his</b>	:	
<b>official capacity as current</b>	:	
<b>Superintendent of the Atlantic City</b>	:	
<b>School District; PAUL A. SPAVENTA,</b>	:	
<b>in his official capacity as former Interim</b>	:	
<b>Superintendent of the Atlantic City</b>	:	
<b>School District; ATLANTIC CITY BOARD:</b>	:	
<b>OF EDUCATION, a public entity; and</b>	:	
<b>KAYAN AHMED FRAZIER, an</b>	:	
<b>individual,</b>	:	<b>ORDER</b>
	:	
<b><i>Defendants.</i></b>	:	

These matters having come before the Court on separate Motions to Dismiss by The Atlantic City Board of Education and its Superintendents [Dkt. 41] and School Principal La'Quetta Small [Dkt. 42]; and the Court having considered the written submissions of the parties, and for the reasons expressed in the Court's Opinion of even date,

IT IS on this 2nd day of February, 2023 hereby

ORDERED that the Motion to Dismiss by The Atlantic City School Board and Caldwell and Spaventa [Dkt. No. 41] is granted as follows; and it is further

ORDERED that the Motion to Dismiss by La'Quetta Small [Dkt. No. 42] is granted in part and denied in part as follows:

1. Defendants Spaventa and Caldwell, the motion is granted as to Counts II, III, V, VI, and VIII. Spaventa and Caldwell are dismissed from the case; and
2. Defendant Atlantic City School Board, the motion is granted as to Counts I–III, as to the vicarious liability as alleged in Counts V–VIII, and as to Count IX. Defendant Atlantic City School Board is Dismissed from the case; and
3. Defendant La'Quetta Small, the motion is granted as to Counts II and III in her official-capacity only, and as to Counts VIII and IX. The motion is denied as to Counts II and III in her personal capacity, and as to Counts V and VI; and it is further

ORDERED that the official-capacity claims in Counts II and III as to Defendant La'Quetta Small are dismissed without prejudice, with the right to file an Amended Complaint, within 30 days of this Order.

/s/ Joseph H. Rodriguez  
Hon. Joseph H. Rodriguez, USDJ